

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David P. Durkin	§	Group Art Unit:
		§	
Serial No.:		§	
		§	Examiner:
Filed:		§	
		§	
For:	DETERMINING WHETHER A	§	Atty. Dkt. No.: 200304161-2
	TELEPHONY CALL IS	§	(HPC.0066C1US)
	PERMITTED BASED ON	§	
	PERMISSION DATA	§	

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE

Dear Sir:

For purposes of expediting the prosecution of this case, Applicant is providing the following comments regarding why the current claims are allowable over the references cited in the parent case (U.S. Serial No. 09/327,896). The following references are addressed in the comments below: U.S. Patent No. 5,495,483 (Grube); U.S. Patent No. 5,471,522 (Sells); and U.S. Patent No. 5,313,653 (Sasuta).

Figure 23 of Grube illustrates a logic diagram for establishing a call within a communications system. Grube, 23:49-40. When a call request is received from a user, the validity of the user and request are determined. Grube, 24:11-13. If either the request or the user is not validated, the call request is denied. Grube, 24:26-29. Thus, in Grube, if the user or request is not validated, a call is *not* established in response to a received request. This is contrasted to the invention of claim 1, which recites establishing a telephony call in response to a request to establish the telephony call, and after establishing the telephony call, detecting for an indication of a type of the telephony call. Claim 1 further recites determining, based on permission data, whether the type of the telephony call is permitted. Thus, in claim 1, a telephony call is first established before the determination of whether the type of telephony call is permitted. The reverse is performed in Grube, where a call is denied (i.e., not established) if a user or request is not validated.

Therefore, claim 1 is clearly distinguishable over Grube.

Similarly, Sasuta does not teach or suggest establishing a telephony call, and after establishing the telephony call, detecting for an indication of a type of the telephony call and determining, based on permission data, whether the type of the telephony call is permitted. According to Sasuta, in response to a request from a communication unit, a communication resource allocator determines whether a selected system service is allowed or not. If not allowed, the communication resource allocator transmits a denial response to the requesting communication unit. Upon receiving this denial, the communication unit terminates the system service request function. Sasuta, 3:50-59. Thus, in Sasuta, a telephony call is *not* established before a determination is made regarding whether the type of telephony call is permitted or not.

The claim is also distinguishable over Sells, which does not disclose storing permission data relating to security for a system, and determining, based on the permission data relating to security for the system, whether the type of the telephony call is permitted. The user preferences referred to in Sells do not constitute the recited permission data relating to security for a system, as recited in claim 1.

Independent claims 12 and 19 are similarly allowable over the listed references. In view of the foregoing, allowance of the present application is respectfully requested.

Respectfully submitted,

Date: _____

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